

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
May 26, 2022

Name of Offender: Andres Pereyda

Case Number: 2:15CR00117

Name of Sentencing Judicial Officer: Honorable Richard F. Boulware

Date of Original Sentence: January 19, 2016

Original Offense: Possession of Child Pornography

Original Sentence: 78 Months prison, followed by 180 Months TSR.

Revocation Date: March 3, 2022

Revocation Sentence: 60 days custody with credit for time served.

Date Supervision Commenced: February 3, 2021

Name of Assigned Judicial Officer: Honorable Richard F. Boulware

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. No Contact – You must not communicate, or otherwise interact, with Brenda Arevalo or any of her children or other family members, either directly or through someone else, without first obtaining the permission of the probation office.

CAUSE

As Your Honor may recall, Mr. Pereyda last appeared for a revocation hearing on March 3, 2022, at which time he was sentenced to 60 days custody as mentioned above. The nature of the revocation involved Mr. Pereyda assaulting a homeless woman. Pereyda also incurred violations

RE: Andres Pereyda

Prob12B
D/NV Form
Rev. June 2014

for drug use and unauthorized use of pornography. Mr. Pereyda commenced a new term of supervision on March 16, 2022. On March 24, 2022, Pereyda texted the officer and stated that he had a friend with a 14-year-old girl, and he wanted to know if he could act as her algebra tutor. The officer told Pereyda that he cannot associate with any minor. He was reminded of his minor prohibition in detail.

Mr. Pereyda missed one drug test on April 23, 2022 but has not incurred any other violations until now. On May 25, 2022, the undersigned officer received a phone call from a woman named Brenda Arevalo. Ms. Arevalo indicated that she had been in a relationship with Mr. Pereyda prior to his recent incarceration. She said after his release they stopped “dating” but remained friends. Arevalo stated that she had two daughters, ages 11 and 15. She indicated that she was fully aware of Mr. Pereyda’s sex offense and always kept him away from her daughters.

Arevalo indicated that on or about the evening of May 24, 2022, she called Mr. Pereyda and asked to borrow a tool to repair her daughter’s skateboard. She indicated that Pereyda was told that she wasn’t home, and she wanted him to wait to bring the tool to the house because her daughters were home alone. Arevalo indicated that Pereyda ignored her request and went to her home without her present. She indicated that Pereyda did not enter the home and she was able to make it home shortly after his arrival and prior to him having contact with her daughters. She indicated that when she saw him, he insisted on meeting with her 15-year-old daughter so he could show her how to use the skateboard tool. Arevalo didn’t want him to be in the presence of her daughter and told him so, but she reported that Pereyda insisted that he see her daughter so he could show her how to fix her skateboard. Pereyda did meet with the 15-year-old girl and spoke with her without the permission of the probation officer or the sex offender treatment provider.

Arevalo said she was very disturbed by Mr. Pereyda’s behavior, and she felt that he was displaying signs of inebriation when he was at her home. She said he made an inappropriate joke about “having sex with her daughter”. She further indicated that he asked her several inappropriate questions about her kids and brought them gifts at times that made her feel very uncomfortable. Arevalo stated that she was in fear for her daughter’s safety.

Prior to May 25, 2022, the undersigned was completely unaware of Ms. Arevalo.

Pereyda was called into the probation office on May 25, 2022 and was subjected to a drug and alcohol test. The test was negative. The officer spoke with Pereyda about the phone call from Ms. Arevalo. Pereyda indicated that he had been in a sexual relationship with Arevalo for several months. He said he was not in the presence of her children during this time but did admit to being in the presence of the 15-year-old girl as Ms. Arevalo had reported. Pereyda denied some of Ms. Arevalo’s claims but did admit to consuming “a couple beers” before going to her home and he did admit that he met with her daughter in her mother’s presence, but without the permission of the probation officer. Furthermore, Pereyda also admitted to making the sexual comment about her daughter, but claimed he was just making a joke. Pereyda told the officer that he brought the 11-year-old daughter a gift in the form of a “physics magazine”, but he claims he didn’t actually meet the 11-year-old.

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Pereyda was reminded in explicit detail of his minor prohibition once again. The sex offender treatment provider was informed of this incident. The undersigned officer finds that Pereyda has clearly violated this condition of supervision. If Your Honor wishes to schedule a hearing to address this issue, please inform the undersigned officer. Mr. Pereyda has agreed to a "No Contact" condition as listed above. The probation form 49, is attached for Your Honor's review.

Respectfully submitted,



Steve M Goldner
Senior United States Probation Officer

Approved:

 Digitally signed by Ben
Johnson
Date: 2022.05.26 14:49:35
-07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

THE COURT ORDERS

- No Action.
- The extension of supervision as noted above.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):

The court will schedule a status check for June 2, 2022 at 9:00 AM by videoconference.



RICHARD F. BOULWARE, II
United States District Judge

May 27, 2022

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
District of Nevada

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

No Contact – You must not communicate, or otherwise interact, with Brenda Arevalo or any of her children or other family members, either directly or through someone else, without first obtaining the permission of the probation office.

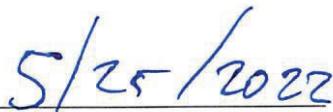
Witness


U.S. Probation Officer
Steve Goldner

Signed


Probationer or Supervised Releasee
Andres Pereyda

Date


5/25/2022